



REPORT TO COUNCIL
REGULAR COUNCIL MEETING MINUTES

DECEMBER 1, 2009

A Regular Meeting of the Council of the City of Vancouver was held on Tuesday, December 1, 2009, at 2:00 pm, in the Council Chamber, Third Floor, City Hall.

PRESENT: Mayor Gregor Robertson
Councillor Suzanne Anton
Councillor David Cadman
Councillor George Chow
Councillor Heather Deal
Councillor Kerry Jang*
Councillor Raymond Louie*
Councillor Geoff Meggs
Councillor Andrea Reimer
Councillor Tim Stevenson*
Councillor Ellen Woodsworth

CITY MANAGER'S OFFICE: Penny Ballem, City Manager
Sadhu Johnston, Deputy City Manager

CITY CLERK'S OFFICE: Marg Coulson, Acting City Clerk
Laura Kazakoff, Meeting Coordinator

*Denotes absence for a portion of the meeting.

PRAYER

The proceedings in the Council Chamber were opened with a prayer read by Councillor Louie.

PROCLAMATION - MAY BROWN DAY

The Mayor proclaimed Wednesday, December 9, 2009, as "May Brown Day" in the City of Vancouver.

CONDOLENCES - ART COWIE

The Mayor extended condolences to the family of Art Cowie and noted his significant contributions to the city of Vancouver as a Park Board Commissioner, City Councillor and as an MLA.

"IN CAMERA" MEETING

MOVED by Councillor Chow

SECONDED by Councillor Cadman

THAT Council will go into a meeting later this day which is closed to the public, pursuant to Section 165.2(1) of the *Vancouver Charter*, to discuss matters related to paragraphs:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the city or another position appointed by the city;

(d) the security of the property of the city;

(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the city;

(g) litigation or potential litigation affecting the city;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 [disclosure harmful to business interests of a third party] of the Freedom of Information and Protection of Privacy Act;

(k) negotiations and related discussions respecting the proposed provision of an activity, work or facility that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the city if they were held in public.

ITEMS ARISING FROM THE "IN CAMERA" MEETINGS OF NOVEMBER 17 AND 19, 2009

Council appointed alternates to the following advisory bodies:

- Bicycle Advisory Committee
- Pacific National Exhibition (PNE) Board

Council also made staff appointments to the PNE Board.

Names of those appointed can be obtained from the City Clerk's Office.

ADOPTION OF MINUTES

1. Regular Council - November 17, 2009

MOVED by Councillor Cadman
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

2. Regular Council (City Services and Budgets) - November 19, 2009

MOVED by Councillor Meggs
SECONDED by Councillor Deal

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

3. Regular Council (Planning and Environment) - November 19, 2009

MOVED by Councillor Reimer
SECONDED by Councillor Woodsworth

THAT the foregoing Minutes be approved.

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman
SECONDED by Councillor Louie

THAT this Council resolve itself into Committee of the Whole, Mayor Robertson in the Chair.

CARRIED UNANIMOUSLY

MATTERS ADOPTED ON CONSENT

MOVED by Councillor Chow

THAT Council adopt Unfinished Business Item 1, and Administrative Reports A2 to A10, on consent.

CARRIED UNANIMOUSLY

REPORT REFERENCE

1. 2010 Operating Budget: Proposed Budget and Public Consultation Update

Patrice Impey, General Manager, Financial Services and Chief Financial Officer, and Annette Klein, Director of Budget Services, provided a Report Reference on the proposed 2010 Operating Budget and review of the public consultation process to date.

MOVED by Councillor Louie

- A. THAT Council approve "in-principle" the 2010 Proposed Operating Budget, pending public input on December 3, 2009, as outlined in the Administrative Report dated November 12, 2009, entitled 2010 Operating Budget: Proposed Budget and Public Consultation Update" and detailed in Table 1 in that report, and instruct the Director of Finance to bring the budget into balance with a 2.0% general purposes tax increase.
- B. THAT Council approve the funding requests outlined on page 12 of the Administrative Report dated November 12, 2009, entitled 2010 Operating Budget: Proposed Budget and Public Consultation Update" and the proposed service adjustments outlined in Appendix 3 of that report.
- C. THAT Council approve the Parking Meter program enhancements outlined in Appendix 4, reflecting \$4.4 million of revenues incorporated in the 2010 estimates, and instruct the Director of Legal Services to amend the appropriate By-Laws.
- D. THAT Council approve the Park Board Global Budget of \$60,293,500, comprised of \$102,535,200 expenditures and \$42,241,700 revenues. Adjustments to the Global Budget will be made at a later date once the Vancouver Services Review implementation plans have been developed.

All positions are subject to classification by the General Manager of Human Resource Services

- E. THAT Council directs all City Departments and Boards to commit to the implementation of the Vancouver Services Review and shared services and process improvement initiatives with target savings of \$10.2 million in 2010, including a review of the "span of control" or balance between supervisory and other personnel to ensure an appropriate, efficient and effective level of supervision.
- F. THAT the City Manager continue efforts across Departments and Boards to identify and assess cost saving measures, revenue generation models and alternate funding sources in order to preserve priority programs and services.

amended

REFERRAL MOVED by Councillor Cadman

THAT the motion be referred to the Special Council Meeting, to be held on Thursday, December 3, 2009.

LOST

(Councillors Chow, Deal, Jang, Louie, Meggs, Reimer, Stevenson and the Mayor opposed)

AMENDMENT MOVED by Councillor Anton

THAT B be amended to read as shown below:

THAT Council approve the funding requests outlined on page 12 of the Administrative Report dated November 12, 2009, entitled "2010 Operating Budget: Proposed Budget and Public Consultation Update" and the proposed service adjustments outlined in Appendix 3 of that report, with the exception of:

- (a) Banner program, \$100,000 (item 7)
- (b) Downtown Heritage Railway, \$15,000 (item 8)
- (c) Litter pick up and aesthetics, including graffiti program, \$1.1m (item 12)
- (d) Library hours cut-backs, \$515,000 (item 14)
- (e) Community centres and active communities program, \$1,273,000 (item 19)
- (f) Farm Yard and Conservatory, \$73,000 (item 22)

For a total of \$3.08m to be found from reduced contingency (\$1.3m), increased parking, community partners, and minimizing the additional tax increase.

LOST

(Councillors Chow, Deal, Jang, Louie, Meggs, Reimer, Stevenson and the Mayor opposed)

Council agreed to amend the motion as shown below:

THAT Council approve "in-principle", pending public input on December 3, 2009, the following:

- A. The proposed 2010 Operating Budget as outlined in the Administrative Report dated November 12, 2009, entitled "2010 Operating Budget: Proposed Budget and Public Consultation Update" and detailed in Table 1 in that report, and instruct the Director of Finance to bring the budget into balance with a 2.0% general purposes tax increase.
- B. THAT Council approve the funding requests outlined on page 12 of the Administrative Report dated November 12, 2009, entitled "2010 Operating Budget: Proposed Budget and Public Consultation Update" and the proposed service adjustments outlined in Appendix 3 of that report.

- C. THAT Council approve the Parking Meter program enhancements outlined in Appendix 4, reflecting \$4.4 million of revenues incorporated in the 2010 estimates, and instruct the Director of Legal Services to amend the appropriate By-Laws.
- D. THAT Council approve the Park Board Global Budget of \$60,293,500, comprised of \$102,535,200 expenditures and \$42,241,700 revenues. Adjustments to the Global Budget will be made at a later date once the Vancouver Services Review implementation plans have been developed.

All positions are subject to classification by the General Manager of Human Resource Services

- E. THAT Council directs all City Departments and Boards to commit to the implementation of the Vancouver Services Review and shared services and process improvement initiatives with target savings of \$10.2 million in 2010, including a review of the "span of control" or balance between supervisory and other personnel to ensure an appropriate, efficient and effective level of supervision.
- F. THAT the City Manager continue efforts across Departments and Boards to identify and assess cost saving measures, revenue generation models and alternate funding sources in order to preserve priority programs and services.

CARRIED

(Councillors Anton, Cadman and Woodsworth opposed to A, B and D.)

UNFINISHED BUSINESS

1. Closure and Sale of a Portion of Road Adjacent to 3410 Lougheed Highway

At its Regular Council meeting on November 17, 2009, Council referred the above-noted Administrative Motion to a Regular Council meeting following a Standing Committee on Thursday, November 19, 2009, due to time constraints. Subsequently, at the Regular Council meeting following the Standing Committee on Planning and Environment on November 19th, the motion was withdrawn from the agenda.

THAT WHEREAS:

1. The City of Vancouver is the owner of all the streets and lanes lying within the limits of the City of Vancouver;
2. There is a proposal to re-develop privately owned Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 ("Lot A");
3. The proposal requires the closure of a portion of Cassiar Street lying to the south of Lougheed Highway, and being adjacent to Lot A;

4. The said portion of Cassiar Street to be closed was dedicated by the deposit of Plan 1314, circa 1907, and by the deposit of Plan 5134 on May 26, 1922;
5. The said portion of road to be closed is no longer required for municipal purposes;
6. The proposal requires the consolidation of the said portion of Cassiar Street to be closed with Lot A to create a single parcel.

THEREFORE BE IT RESOLVED THAT the 347.8 square metre portion of Cassiar Street dedicated by the deposit of Plans 1314 and 5134 and being adjacent to Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 3rd day of September, 2009, and marginally noted "Dwg: 3704-RD" a copy of which is attached hereto as Appendix A, be closed, stopped-up and conveyed to the abutting owner;

BE IT FURTHER RESOLVED THAT the said portion of Cassiar Street to be closed be consolidated with Lot A Block 1 South-East ¼ of the North-East ¼ of Section 38 Town of Hastings Suburban Lands Plan 21250 to form a single parcel, as shown within heavy bold outline on the Reference Plan prepared by Gary Sundvick, B.C.L.S., completed and checked on the 3rd day of September, 2009, and marginally noted "Dwg: 3704-RF" a copy of which is attached hereto as Appendix B, to the satisfaction of the Director of Legal Services.

ADOPTED ON CONSENT

2. Rezoning/Heritage Designation/Heritage Revitalization Agreement (HRA): 3205-3221 West 41st Avenue and 5590 Balaclava Street

At its reconvened Public Hearing on November 24, 2009, Vancouver City Council concluded hearing from the public on this matter and referred discussion and decision to the Regular Council meeting on Tuesday, December 1, 2009, as Unfinished Business.

MOVED by Councillor Deal

- A. THAT, the application by Brook and Associates on behalf of Emaar Canada and the Trustees of the Knox United Church, to rezone 3205-3221 West 41st Avenue and 5590 Balaclava Street (PID 013-006-797, 010-297-723, 007-352-735, 010-297-766, 003-500-233, Lot A, Plan 3269 and Lots 1-4, Plan 7918, of Block 12, DL 2027, NWD and that portion of lane north of 41st Avenue, east from Balaclava Street and dedicated by Plans 4098 and 7918) from RS-5 (One-Family Dwelling) District to CD-1 (Comprehensive Development) District, to allow:
- development of a 4 storey multiple dwelling designed for seniors,
 - designation, rehabilitation and long-term preservation of the heritage B-listed Knox Church, and
 - replacement the church annex building,

generally in accordance with Appendix A to the Policy Report, "CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street", dated September 22, 2009, be approved subject to the following conditions:

PROPOSED CONDITIONS OF APPROVAL OF FORM OF DEVELOPMENT

NOTE FROM MEETING COORDINATOR: The following conditions of approval contain revisions to the original conditions which were contained within the Policy Report "CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street", dated September 22, 2009. Revisions are denoted in italics.

- (a) That the proposed form of development be approved by Council in principle, generally as prepared by Adrian Smith and Gordon Gill Architecture and CEI Architecture, and stamped "Received City Planning Department, March 13, 2009", provided that the Director of Planning may allow minor alterations to this form of development when approving the detailed scheme of development as outlined in (b) below.
- (b) That, prior to approval by Council of the form of development, the applicant shall obtain approval of a development application by the Director of Planning, who shall have particular regard to the following:

Design Development

The following is to apply to Sub-Area 2 (the residential site):

- (i) *Design development to provide better horizontal connections and add indoor amenity space oriented to seniors;*

Note to Applicant: To provide year-round spaces for casual social interaction, the design must provide additional indoor floor area devoted to those features typically seen in seniors oriented multiple dwellings, such as lobby areas, general purpose recreational rooms, and above-grade connections between the elevators and stairs. This can be accomplished by raising part or all of the internal courtyard up by one level, thereby creating new floor area for year round use while maintaining the amount of outdoor common area, and without changing the outward massing of the building.

While commercial kitchen facilities and communal dining rooms on the same scale as seniors' supportive and assisted housing are not required, the design must provide for the occasional preparation of shared meals and common dining. Advice from the Seniors Advisory Committee will be sought regarding these issues.

Note that some of the above areas, such as circulation, may not be excluded from the permitted floor area and require reduction of other areas of the building. See also other design conditions related to floor area.

- (ii) Design development to increase the distinctions between facades, noting the differing acoustic, built form, open space and solar conditions in each direction;
- (iii) Clarification of the long-term maintenance of the exterior balcony planters, if these are intended to provide a visually consistent and permanent exterior feature;

Note to Applicant: The use of plant material as a building-wide visual motif, accessed through individually owned strata titled apartments on multiple levels is somewhat novel in this building type and merits further information. This feature should also be detailed in enlarged drawings and the landscape design.

- (iv) Refinement to the rooftop areas to reduce the potential for overlook and to reduce the apparent visual height of the building as it relates to Balaclava Street;

Note to Applicant: For example, consider moving accessible surface areas and vertical features away from the western edge of the roof.

- (v) Consideration to relocating the parkade entry and driveway away from the east edge of the site along West 41st Avenue to improve the visual and landscape amenity of the east area, including tree retention;

Note to Applicant: See also Landscape and Engineering conditions.

- (vi) *Design development to the building glazing to mitigate potential privacy impacts and improve the thermal insulation value of the building;*

Note to Applicant: This can be accomplished by reducing the ratio of exterior windows to solid wall, and the specification of window frames and glazing with U-values better than current practise. Greater differentiation of the facades and sun shades to respond to the solar exposure of each cardinal direction is recommended.

- (vii) Design development to provide even and glare-free exterior illumination;

Note to Applicant: Avoid fixtures which create unwanted light toward residential areas both on and off site, especially with regard to the backlit elevator towers shown in renderings and the arrangement of

living units around the courtyard.

- (viii) *Submission, at the time of a development permit application, of a checklist of the 19 SAFERhome standards. The standards shall be properly shown on all submitted drawings with notations and form a part of the approved drawing package. Arrangements to certify the design to the SAFERhome standard, to the satisfaction of the Director of Planning;*

Note to Applicant: Certification will be required prior to issuance of an occupancy permit. The principles of barrier-free or universal design should also be applied to the common areas of the building.

- (ix) For the northwest portion of the residential building, the setback from the west property line should be approximately 9 m, (comparable to the front yard dimension of neighbouring properties to the north including the Knox Church), for a length of approximately 16 m as measured from the north edge of the residential site;
- (x) For the northwest portion of the residential building, the setback from the west property line should be approximately 6 m for the next 12 m of the site (from 16 m to 28 m) along the west property line;

The following is to apply to Sub-Area 1 (the church site):

- (xi) Design development to the massing and location of the new church annex building to provide substantial improvement with regard to shadowing, privacy and visual impact on the neighbouring property to the north;

Note to Applicant: The two storey meeting space should be relocated and/ or the roof redesigned to minimize shadowing impact. Impact of the rooftop outdoor play area in the north east corner should also be minimized by pulling the building as far back as possible from the north property line as well as by employing planters or other screening which are not visually intrusive.

- (xii) Evaluation of the feasibility of relocating the rooftop play area to the south, to reduce the potential for acoustic and privacy impacts to the single family dwelling immediately adjacent;

Note to Applicant: If the relocation is feasible, the play area should be moved.

- (xiii) Design development to soften the visual impact of the new church wall, as seen from the adjacent single-family property to the north;

Note to Applicant: As shown on sheet number A1.09, the impression is

somewhat institutional in character.

The following is to apply to both Sub-Areas:

- (xiv) Notation on the elevations of all finishes, materials, dimensions and colours;

Note to Applicant: Include where relevant texture, spacing, and other details. Attach colour samples to the drawings.

- (xv) Enlarged drawings for all significant exterior features;

Note to Applicant: Where not shown on the elevation drawings, include finish, materials and dimensions. A scale of ½" = 1'-0" or better is recommended.

Heritage

- (xvi) Design development to provide increased separation between the new church annex building from the existing Knox United Church;
- (xvii) Design development to the new church annex building to eliminate elements which directly reference or replicate features on the heritage church;

Note to Applicant: While the overall design and expression of the new building are acceptable, features such as the "capped pilasters" and similar elements on the church are not to be replicated on the new building so that it is clear that the new building is contemporary but stylistically sympathetic to the heritage church.

- (xviii) Provision of a finalized Statement of Significance, a complete Heritage Conservation Plan, and drawings indicating the scope of rehabilitation work for The Knox United Church located at 5590 Balaclava Street;

Note to Applicant: See condition (c)(xxxviii)(1) below concerning the Heritage Revitalization Agreement. The Conservation Plan is to be completed prior to proceeding to public hearing for Council's approval of any by-laws. The purpose of the plan is to identify the scope of the work for the heritage building and to identify the proposed rehabilitation work. The proposed heritage work should be included on the development permit drawings as a series of construction notes, and supported by current photos of the building. The rehabilitation drawings are to be lodged in development permit application number DE413271 and any outstanding fees are to be paid on this application prior to proceeding to public hearing.

Sustainability

- (xix) *Identification on the building plans and elevation drawings of sustainable design features;*

Note to Applicant: Intent is to ensure that the built features intended to achieve the credits in the building rating checklist and the Rezoning Policy for Greener Buildings are recorded on the approved drawing set. Provide an updated statement to the satisfaction of the Director of Planning listing each credit and the specific building feature designed to achieve it. The applicant is also encouraged to consider how the strategies and elements recommended in the Passive Design Toolkit may be incorporated into this application in order to reduce the production of greenhouse gases.

Crime Prevention Through Environmental Design (CPTED)

- (xx) Design development to improve security and visibility in the underground parking level in accordance with Section 4.13 of the Parking By-law and by painting the walls and ceiling of the parking garage white;

Note to Applicant: More use of interior glazing, especially around the exit stairwells, and exterior lighting must be shown on the drawings. Consider noting design features to meet the Vancouver Building By-law Section 3.3.6.7 as well.

- (xxi) Design development to improve defensibility and reduce opportunities for break and enter;

Note to Applicant: Show how the space around the private outdoor space will be clearly defined by gates or fences and effectively lit at night. Lighting must not cross the property line.

Landscape Design

- (xxii) Design development to retain healthy trees located outside the building envelope where possible;

Note to Applicant: The expansive treed edges, to be noted on a legal survey and to be assessed in an arborist report (see conditions below), bordering West 41st Avenue and Balaclava Street, should remain to effectively screen the new development as viewed from the street and neighbouring properties to the west. Setbacks along West 41st Avenue should be carefully considered to provide adequate root protection zones for the two existing mature trees located at the southeast edge of the site. Consideration should be given to relocation of the existing Dogwood located at the rear of the church site within the proposed building envelope. For trees that cannot be retained or relocated,

replacement with a specimen of equal or greater value will be required.

- (xxiii) Design development to relocate the driveway crossing on West 41st Avenue westward in order to retain the 2 significant trees at the southeast corner of the site;

Note to Applicant: Design development regarding this condition should be coordinated with redesign of the site plan relating to the Engineering condition requiring relocation of the driveway located on West 41st Avenue for the residential site.

- (xxiv) Design development to the church driveway and front yard setbacks of the residential building facing Balaclava Street to safely retain as many trees as possible;

Note to Applicant: All site existing site trees should be illustrated on the Landscape Plan submitted with the Development Permit Application.

- (xxv) Design development to expand programming and include opportunities for shared-gardening in the common outdoor open space including rooftop gardens;

Note to Applicant: Shared gardening areas should be designed to adhere to Council's Urban Agriculture Guidelines for the Private Realm and should provide maximum solar exposure, universal accessibility and provided with amenities such as, raised beds, water for irrigation, potting bench, tool storage and composting.

- (xxvi) Provision of a full Landscape Plan illustrating proposed plant materials (common and botanical names), including sizes and quantities; paving, walls, fences, and other landscape elements including existing site trees and site grading with labels;

Note to Applicant: Consider incorporating hardy drought-tolerant plantings into the planting scheme within the site to reduce use of water in the landscape.

- (xxvii) Provision of a comprehensive and detailed Certified Arborist report on the assessment of all site trees feasibility of retaining trees located close to excavation for the proposed building, including risks to, and methods for, the safe retention of existing trees. The report must also contain commentary regarding risk to the trees on City property and on the Kerrisdale Elementary School property to the east;

Note to Applicant: The report must include specific details about the method of protecting the trees listed as being retained. It is important for the trees to be preserved for the long term. Commentary must include risks to the health of trees located close to the excavation with

measurable limits to excavation for trees with roots located within the building envelope. As well the report must include a written assessment by a professional tree mover or Certified Arborist on the feasibility of, risks and methods involved in the successful relocation of trees as noted on the Tree Preservation Plan.

(xxviii) Provision of a Construction Management Plan for tree retention

Note to Applicant: The plan should consider excavation and building materials storage, construction access and vehicle maneuvering during the construction process. For more details refer to Section 3.3, Tree Retention, Relocation and Replacement Guidelines, Private Property Tree By-law.

(xxix) Provision of a legal survey illustrating the following information:

- (1) Existing trees 20 cm caliper or greater on the development site;
and
- (2) The public realm (property line to curb) including existing street trees, street utilities such as lamp posts, fire hydrants, etc. adjacent to the development site.

(xxx) Provision of section details at a minimum scale of 1/4"=1'-0" scale to illustrate proposed landscape elements including planters on building structures, benches, fences, gates, arbours and trellises, posts and walls and water features. Planter section details must confirm depth of proposed planting on structures;

(xxxi) Provision of a high-efficiency irrigation system in all landscape common areas and hose bibs in patio areas as needed (illustrated on the Landscape Plan);

Acoustics

(xxxii) Design development to provide a high standard of noise mitigation including provision for ventilation so that residents are able to close their windows during the summer months.

Note to Applicant: Include in your response an indication of how the construction has been modified to reflect the noise mitigation required for the higher noise levels resulting from proximity to 41st Avenue and adjacent playing field.

Proximity to Kerrisdale School Playing Fields

(xxxiii) *Arrangements to the satisfaction of the Director of Planning to demonstrate that disclosure statements for prospective purchasers include their acknowledgement that the building is located adjacent to*

an Elementary School playing field that is electrically illuminated and is actively used until 10 p.m. on weekdays; that the school playing field could expand its activities in the future, including increased illumination; and that the school users and the school should not be subject to complaints for its current or expanded uses.

Engineering

(xxxiv) Arrangements to the satisfaction of the General Manager of Engineering Services for the following:

- (1) Access to the residential parking on the site shall be taken from 41st Avenue and for the Knox United Church and proposed annex building from Balaclava Street. A redesign of the proposed crossing is required, and must be located a minimum of 12 m west of the extension of westerly curb of the south leg of Balaclava Street;
- (2) Any church or condominium passenger drop-off/pick-up area must be designed to allow one vehicle to pull out and pass another, which is stopped;
Note to Applicant: the proposed design is inadequate.
- (3) Parking spaces for the child care staff and daycare drop-off spaces should be identified on plans and listed within the tech table;
Note to Applicant: Child care drop-off spaces must be regular full size spaces.
- (4) Provision of additional parking stall width is required when adjacent to walls, fences or other structure as by the Parking By-law;
Note to Applicant: Child care parking stall #1 requires a minimum 2.7 m stall width.
- (5) Provision of a minimum 6.1 m wide parking entrance with an overhead security gate;
Note to Applicant: The proposed 5.7 m wide parking entrance and 5.8 m wide driveway is not sufficient.
- (6) A separate room for bicycles must be provided; and
- (7) Garbage and recycling facilities should be supplied for both buildings and clarification of pick up operations is required. Please contact Engineering, Solid Waste Branch regarding recycling and garbage space needs.

Note to Applicant: If desired, a review can be conducted to determine if the existing ROW over the east 5 feet of Lot 4 can be discharged.

Childcare Facility

(xxxv) Further design development to the configuration and site plan for the 20-space preschool childcare facility to be in accordance with the Provincial Community Care Facilities Licensing requirements and the City of Vancouver Childcare Design Guidelines;

Note to Applicant: Prior to commencing any redesign work with regard to the childcare facility it is suggested that you arrange to meet with Community Care Facilities Licensing and Social Development staff to discuss space configurations. Consider relocating the childcare facility on the main of the church annex building to provide contiguous play space at grade where a more natural outdoor environment can be provided. Consider providing a kitchen for food preparation for the childcare facility. If the kitchen on the first floor of the church annex is to be used by the childcare facility, clarification will be needed as to plans for the shared kitchen facility. Consider providing a designated "quiet room" or space as prescribed by Council's Childcare Design Guidelines. Consider providing a secured vestibule for the elevator and secure access for the stairway entrance to improve security within the childcare facility. Consider providing space for an art sink within the activity area.

Seniors Non-profit Service Provision Society

(xxxvi) *Arrangements to the satisfaction of the Managing Director of Social Development and the Director of Planning for the provision of an Operations Management Plan (OMP) for the non-profit seniors society to provide services to residents within the residential development for the life of the building, and to seniors in the Dunbar neighbourhood, with particular regard to the following:*

- (1) *Specification of the minimum services to be provided to all members including information and referrals, educational programs and services, and community events;*
- (2) *Adaptation of the 'Beacon Hill Village' model to the Canadian context, especially with regard to provision of, or referral to, medical services;*
- (3) *Provision of an operating budget for the society including sufficient endowment funds and mandatory fees to sustain operations through the start up phase and operation for a minimum of five years;*
- (4) *Establishment of a Community Advisory Committee (CAC) to monitor impacts and provide advice with regard to the seniors' non-profit society;*
- (5) *Provision of membership for low-income seniors in the broader community, through reduced or waived fees, based on income;*
- (6) *Protocols for the preparation of an annual report to the Managing Director of Social Development, with specific focus on the effects of the project within the local community and assessment of the CAC and its continuance;*
- (7) *Establishment of a community liaison who will work with the community to respond to community enquiries and requests;*
- (8) *The non-profit society and the Operations Management Plan are seen to be essential components to the approval of the*

development permit and will be noted on the face of the development permit.

Note to Applicant: The above conditions must be met to the satisfaction of the Director of Planning prior to issuance of a development permit. Condition (4) must be met to the satisfaction of the Managing Director of Social Development, who will consider whether the CAC has met to establish its terms of reference (including protocols for dispute resolution) and reviewed the final OMP, prior to issuance of the occupancy permit.

Pedestrian Connection Through Site

(xxxvii) Examine the feasibility of an east-west pedestrian route through the site to connect Balaclava Street to the Kerrisdale Elementary School playing field, in consultation with Kerrisdale Elementary School, Knox United Church and neighbourhood representatives.

Note to Applicant: If feasible, in the opinion of the Director of Planning, the connection should be shown on the development permit plans. Design of the pedestrian route is to incorporate CPTED principles.

PROPOSED CONDITIONS OF BY-LAW ENACTMENT

- (c) That, prior to enactment of the CD-1 By-law, the registered owner shall, at no cost to the City:

Engineering

- (i) Make arrangements to the satisfaction of the General Manager of Engineering Services and the Director of Legal Services for the following:
- (1) Closure and sale of the city lane;
Note to Applicant: An application to the City Surveyor should be made at this time to ensure the closure and sale will coincide with the rezoning enactment.
 - (2) Consolidation of the lots and creation of the 2 parcels;
 - (3) Discharge of Easement & Indemnity Agreement 509802M (Crossing Agreement) on the title of Lot A (a letter of commitment is necessary with discharge prior to building occupancy.);
 - (4) Provision of a reciprocal access agreement to secure the shared parkade access which is proposed to straddle the ultimate common property line;
 - (5) Provision of adequate water service to meet the fire flow demands of the project;
Note to Applicant: The application lacks the details to determine if

water main upgrading is required, please supply project details including projected fire flow demands to determine if water system upgrading is required, should upgrading be necessary then arrangements to the satisfaction of the of the General Manager of Engineering Services and the Director of Legal Services will be required.

- (6) Undergrounding of all new utility services from the closest existing suitable service point;

Note to Applicant: All services and in particular electrical transformers to accommodate a primary service must be located on private property. The development site is not to rely on secondary voltage from the existing overhead network. Any alterations to the existing underground / overhead utility network to accommodate the development will require review and approval by the Utilities Management Branch. Early contact with the Utilities Management Branch is encouraged. Servicing details may be required at the development and or building permit stages.

- (7) Provision of street trees adjacent the site where space permits; and
(8) Provision of shared vehicles and spaces at a rate of 0.02 per dwelling unit;

Note to Applicant: Shared vehicle space must be provided in an area with 24-hour accessibility.

Heritage

- (ii) Make arrangements to the satisfaction of the Director of Planning and the Director of Legal Services for the following:

- (1) To enter into a Heritage Revitalization Agreement (HRA) which ensures that the rehabilitation of The Knox United Church located at 5590 Balaclava Street is completed in a timely manner and which secures the rehabilitation, long term protection, maintenance and conservation of the heritage building;

Note to Applicant: The HRA is to be signed by the Owner before any by-laws are brought forward for Council's consideration at a public hearing.

- (2) To enter into an agreement to be registered against the CD-1 site, to provide assurance that the conservation of the heritage building arrangements are to be made to secure the complete rehabilitation of the Knox United Church prior to occupancy of the multiple dwelling building on the CD-1 site;

Note to Applicant: Any associated side agreements are to be signed by all the Owners of all the lands before any by-laws are brought forward for Council's approval at a public hearing.

Childcare Facility

- (iii) Make arrangements to the satisfaction of the Director of Legal Services

and the Managing Director of Social Development for the following:

- (1) Provision of a fully fit, furnished and equipped 20 space licensed preschool facility, including the required outdoor play space and on-site parking, in accordance with the City of Vancouver Childcare Design Guidelines and the Provincial Community Care Facilities licensing requirements, prior to occupancy of the multiple dwelling building on the CD-1 site, at no cost to the City; and
- (2) To enter into an agreement to be registered against the CD-1 site, that the owner agrees to continuously operate or cause to operate the child day facility.

Where the Director of Legal Services deems appropriate, the preceding agreements are to be drawn, not only as personal covenants of the property owners, but also as Covenants pursuant to Section 219 of the Land Title Act.

The preceding agreements are to be registered in the appropriate Land Title Office, with priority over such other liens, charges and encumbrances affecting the subject site as is considered advisable by the Director of Legal Services, and otherwise to the satisfaction of the Director of Legal Services prior to enactment of the by-law.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable charges, and letters of credit, and provide for the withholding of permits, as deemed appropriate by, and in form and content satisfactory to, the Director of Legal Services.

The timing of all required payments, if any, shall be determined by the appropriate City official having responsibility for each particular agreement, who may consult other City officials and City Council.

- B. THAT, the Director of Legal Services be instructed to bring forward the amendment to the Subdivision By-law at the time of enactment of the CD-1 By-law, as set out in Appendix C to the Policy Report, "CD-1 Rezoning/Heritage Revitalization Agreement/Heritage Designation: 3205-3221 West 41st Avenue and 5590 Balaclava Street", dated September 22, 2009.
- C. THAT, should the CD-1 rezoning for 3205-3221 West 41st Avenue and 5590 Balaclava Street be approved, Council designate the Vancouver Heritage Register "B" listed building at 5590 Balaclava Street property as municipally-protected heritage.
- D. THAT, should the CD-1 rezoning for 3205-3221 West 41st Avenue and 5590 Balaclava Street be approved, Council authorize the Director of Legal Services to enter into a Heritage Revitalization Agreement (HRA) to secure the rehabilitation, protection and on going maintenance of the exterior of the Vancouver Heritage Register "B" listed building at 5590 Balaclava Street.

amended

* * * * *

At 6 pm, the following motion was moved:

MOVED by Councillor Cadman

THAT the meeting be extended by one hour or less.

CARRIED UNANIMOUSLY

* * * * *

AMENDMENT MOVED by Councillor Woodsworth

THAT the motion be amended in (b) to insert the following additional condition:

Make arrangements to the satisfaction of the Director of Legal Services and the Managing Director of Social Development to restrict occupancy of the units to households where at least one member is 55 years of age or older for the lifetime of the building

LOST

(Councillors Anton, Deal, Meggs, Reimer and Stevenson opposed)
(Councillors Jang and Louie absent due to being ineligible to vote)
(Councillor Chow and the Mayor ineligible to vote)

AMENDMENT MOVED by Councillor Woodsworth

THAT the wording contained in (b) (ix) and (x) be struck and replaced with the following:

- (ix) For the northwest portion of the residential building, the setback from the west property line should be approximately 10.7 m, for a length of approximately 16 m as measured from the north edge of the residential sub-area;
- (x) For the northwest portion of the residential building, the setback from the west property line should be approximately 7.7 m for the next 12 m of the site (from 16 m to 28 m) along the west property line;

CARRIED

(Councillors Anton and Meggs opposed)
(Councillors Jang and Louie absent due to being ineligible to vote)
(Councillor Chow and the Mayor ineligible to vote)

The amendments having either lost or carried, the main motion was put and CARRIED with Councillors Cadman and Woodsworth opposed.
(Councillors Jang and Louie absent due to being ineligible to vote)
(Councillor Chow and the Mayor ineligible to vote)

ADMINISTRATIVE REPORTS

General Administration

**1. Business License Hearing Panels - December 2009
November 18, 2009**

Withdrawn from the agenda.

**2. Approval of Council Initiatives - BIA Renewals
November 17, 2009**

Chinatown BIA Renewal:

- A1. THAT Council re-confirm the Vancouver Chinatown BIA Society as sponsor for the Chinatown BIA.
- A2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Chinatown BIA, for a further term (7 years) commencing April 1, 2010; AND THAT Council forward the application of the Vancouver Chinatown BIA Society to a hearing of the Court of Revision.
- A3. THAT the City notify property owners and tenants within the area (outlined in Appendix A1) of the proposed BIA renewal and levy.
- A4. THAT Council approve a 7-year (2010 -2017) funding-ceiling of \$2,304,145 for the Chinatown BIA, subject to Council approval of the renewal at the Court of Revision.

Commercial Drive BIAs Consolidation and Renewal:

- B1. THAT Council re-confirm the Commercial Drive Business Society as sponsor for the Commercial Drive BIA.
- B2. THAT Council approve the commencement of a Council Initiative to merge the Commercial Drive Business Improvement Expansion Area with the Commercial Drive BIA, AND TO re-establish (renew) the consolidated Commercial Drive BIA for a third five-year term commencing April 1, 2010; AND THAT Council forward the applications of the Commercial Drive Business Society to a hearing of the Court of Revision.
- B3. THAT the City notify property owners and tenants within the combined Commercial Drive BIA and Commercial Drive Expansion BIA areas (outlined in Appendix B1) of the proposed BIA merger, renewal and levy.
- B4. THAT Council approve a 5-year (2010-2015) funding-ceiling of \$2,115,159 for the Commercial Drive BIA, subject to Council approval of the renewal at the Court of Revision.

Downtown Vancouver BIA Renewal:

- C1. THAT Council re-confirm the Downtown Vancouver Business Improvement Association as sponsor for the Downtown Vancouver BIA.
- C2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Downtown Vancouver BIA, for a further ten-year term (fourth term) commencing April 1, 2010; AND THAT Council forward the application of the Downtown Vancouver Business Improvement Association to a hearing of the Court of Revision.
- C3. THAT the City notify property owners and tenants within the area (outlined in Appendix C1) of the proposed BIA renewal and levy.
- C4. THAT Council approve a 10-year (2010-2020) funding-ceiling of \$25,949,864 for the Downtown Vancouver BIA, subject to Council approval of the renewal at the Court of Revision.

Strathcona BIA Renewal:

- D1. THAT Council re-confirm the Strathcona Business Improvement Association as sponsor for the Strathcona BIA.
- D2. THAT Council approve the commencement of a Council Initiative to re-establish (renew) the Strathcona BIA, for a further term (7 years) commencing April 1, 2010; AND THAT Council forward the application of the Strathcona Business Improvement Association to a hearing of the Court of Revision.
- D3. THAT the City notify property owners and tenants within the area (outlined in Appendix D1) of the proposed BIA renewal and levy.
- D4. THAT Council approve a 7-year (2010-2017) funding-ceiling of \$4,200,000 for the Strathcona BIA, subject to Council approval of the renewal at the Court of Revision.

ADOPTED ON CONSENT

3. **Demolition of a City-owned building at 5333 Prince Albert Street and the establishment of the South 17 feet of the Lot for road purposes and the establishment of the West 2 feet of the remainder for lane purposes.
November 19, 2009**
 - A. THAT Council approve the demolition of the residential building at 5333 Prince Albert Street legally described as Parcel Identifier: 014-841-061 Lot 19 Block 4 District Lots 668 to 670 Plan 1369 ("the Lot") and the establishment of the

South 17 feet of the Lot for road purposes and the establishment of the West 2 feet of the remainder for lane purposes. The cost of demolition estimated to be \$50,000 will be charged from the 2009 Greenways Basic Capital Budget; and

- B. THAT Council approve the use of the remainder of the property as a community garden.

ADOPTED ON CONSENT

Finance, Budgets, Grants, Contracts

4. 2010 Solid Waste Utility (SWU) Fees and By-Law Changes November 24, 2009

- A.
- i) THAT, for properties that receive garbage cart collection service, the 2010 annual garbage collection fees be established as follows:

<u>Cart Size</u>	<u>2010 Fee</u>
75 litres	\$89
120 litres	\$105
180 litres	\$128
240 litres	\$150
360 litres	\$194

- ii) THAT, for properties that receive garbage can collection service, the 2010 annual garbage collection fees be established at \$61 for each collection point and \$37 for each garbage can allocated or purchased.
- iii) THAT the 2010 annual recycling collection fees for each dwelling unit be established at \$29, except where one or more common collection points, at locations agreed to by the City Engineer are serviced, the rate be established at \$21 for each dwelling unit and the rate for each collection point remain at \$8.
- iv) THAT the 2010 annual yard trimmings collection fees be established as follows:

<u>Cart Size</u>	<u>2010 Fee</u>
120 litres	\$46
180 litres	\$54
240 litres	\$61
360 litres	\$75

- v) THAT the 2010 annual fee for storage of recycling carts on City streets and lanes be established at \$58/cart.

- B. THAT the 2010 garbage disposal fee at the Vancouver Landfill and Vancouver South Transfer Station be established at \$82/tonne with a minimum fee of \$20 during peak hours (Monday to Friday 10:00AM to 2:00PM) and \$10 during non-peak hours (all operating hours excluding Monday to Friday 10:00AM to 2:00PM).
- C. THAT the 2010 yard trimmings material disposal fee be established at \$59/tonne with a minimum fee of \$6 at the Vancouver Landfill and Vancouver South Transfer Station.
- D. THAT the 2010 fee for gypsum deposited separately for recycling be \$150 per tonne with the minimum fee of \$10 for a load comprising of two 4' x 8' (1.22 metres x 2.44 metres) sheets or less at the Vancouver Landfill.
- E. THAT the Director of Legal Services be instructed to bring forward for enactment the revisions to the Solid Waste By-law substantially as referred to in A to 3 above.

ADOPTED ON CONSENT

**5. Grant to Coast Foundation Society; Purchase and Renovations of 618 Commercial Drive
November 16, 2009**

- A. THAT Council approve a grant of \$150,000 (\$10,000 per unit) to the Coast Foundation Society (CFS) for the purchase and renovation of 618 Commercial Drive [Parcel Identifier: 015-166-295, Amended Lot 1 (see 347632L), except the west 7 feet now road off lot 7, Block D, District Lot 183, Plan 729], to be secured by a Housing Agreement requiring that the property be owned and operated by a non-profit housing society for core-need households, for a term of 20 years, as set out in the Administrative Report dated November 16, 2009, entitled "Grant to Coast Foundation Society: Purchase and Renovations of 618 Commercial Drive". The source of funds is to be the Affordable Housing Fund;

The grant request of \$150,000 requires eight affirmative votes for approval; and

- B. THAT no legal rights or obligations shall arise or be created from approval of A above until all the required legal documentation is executed in full and on terms and conditions to the satisfaction of the Director of Legal Services.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**6. 2010 Sewer Rates and Changes to the Sanitary Sewer Utility
November 17, 2009**

- A. THAT Council approve the 2010 sanitary sewer user rates as detailed in the Administrative Report dated November 17, 2009, entitled "2010 Sewer Rates and Changes to the Sanitary Sewer Utility", with metered rate increased by 17.5%, annual flat fees for single dwelling units increased by \$32 (from \$195 to \$227), and other sanitary sewer user rates as set out in Appendix A (Schedule A) of the above-noted report.
- B. THAT the 2010 public sewer connection fees included in the Sewer and Watercourse Bylaw as set out in Appendix A (Schedule A) of the Administrative Report dated November 17, 2009, entitled "2010 Sewer Rates and Changes to the Sanitary Sewer Utility" be increased by 4% as follows:
- Public sewer connection fees for one or two family dwellings,
 - Public sewer connection fees for properties other than one and two family dwellings, and
 - Sewer connection inspection fees.
- C. THAT 2010 Biochemical Oxygen Demand/Total Suspended Solids/Flow (BOD/TSS/Flow) rates payable by waste discharge permit users ("permitted industrial users") be set as per Appendix A (Schedule B) of the Administrative Report dated November 17, 2009, entitled "2010 Sewer Rates and Changes to the Sanitary Sewer Utility".
- D. THAT the Director of Legal Services be instructed to bring forward for enactment all necessary amendments to the Sewer and Watercourse By-law generally in accordance with Appendix A of the Administrative Report dated November 17, 2009, entitled "2010 Sewer Rates and Changes to the Sanitary Sewer Utility".

ADOPTED ON CONSENT

**7. Annual Review of Water Rates for 2010 under the Water Works By-law and
Miscellaneous Amendments
November 17, 2009**

- A. THAT Council approve an increase of 10.0%, as detailed in the Administrative Report dated November 17, 2009, entitled "Annual Review of Water Rates for 2010 under the Water Works By-law and Miscellaneous Amendments", and as set out in Appendix B of that report to the following fees under the Water Works By-law:
- Flat rate annual consumption fees for single family dwelling units (increase from \$379 to \$417) (Schedule "B"),
 - Other flat rate water service charges for single family dwelling unit with suite and each strata title duplex (Schedule "B"),

- Charges for metered water service (Schedule "D"), and
 - Charges for temporary water service during construction (Schedule "F")
- B. THAT fees for other services included in the Water Works By-law be increased by 4% as follows:
- Flat rate water connection fees for single family and two family dwellings (Schedule "A") ,
 - Flat rate water connection fees for properties other than single family and two family dwellings (Schedule "A") and service pipe removal fees (Schedule "A.1"),
 - Meter service charge (Schedule "E") and fees for installation of water meters (Schedule "G").
- C. THAT the Director of Legal Services be instructed to bring forward for enactment amendments to the Water Works By-law, substantially as set out in Appendix A and B of the Administrative Report dated November 17, 2009, entitled "Annual Review of Water Rates for 2010 under the Water Works By-law and Miscellaneous Amendments", to give effect to A and B above.

ADOPTED ON CONSENT

**8. 2009 Arts Capacity and NEXT Generation Arts Leadership Program
October 28, 2009**

THAT Council approve a grant of \$61,400 to the Centre for Not-for-Profit Sustainability for the management and delivery of the Arts Capacity program and NEXT Generation Arts Leadership Pilot program, the source of funds to be the 2009 Cultural Grants budget.

ADOPTED ON CONSENT AND
BY THE REQUIRED MAJORITY

**9. Southeast False Creek Neighbourhood Energy Utility: Project Update and 2010
Customer Rates
November 24, 2009**

- A. THAT Council approve the amendments to the Energy Utility System By-law ("the By-law"), generally as set out in Appendix D, including the establishment of 2010 customer rates and fees, and eliminating the separate rate for pre-occupancy heat services.

AND FURTHER THAT Council instruct the Director of Legal Services to bring the By-law amendment, generally as set out in Appendix D, forward for enactment.

- B. THAT by June 30, 2010 the General Manager of Engineering Services and the

General Manager of Business Planning and Services report back to Council with the terms of reference and membership criteria for an NEU rate-setting expert panel.

- C. THAT at the time 2011 SEFC NEU rates are brought to Council for approval, the General Manager of Engineering Services and the General Manager of Business Planning and Services include a revised rate for credit provided to customers for customer-generated solar heat energy returned to NEU energy transfer stations (the "net metering" rate).

ADOPTED ON CONSENT

**10. Written Submission to Municipal Port Property Taxation Fairness Commission
November 26, 2009**

- A. THAT the City Clerk be instructed to notify the Municipal Port Property Taxation Fairness Commission, by December 3, 2009, of Vancouver City Council's position on property taxation issues pertaining to Port Metro Vancouver and related port industry properties as outlined in the Administrative Report dated November 26, 2009, entitled "Written Submission to Municipal Port Property Taxation Fairness Commission".
- B. THAT staff report back on the Municipal Port Property Taxation Fairness Commission's findings and recommendations as soon as they become available in 2010.

ADOPTED ON CONSENT

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Councillor Cadman

THAT the Committee of the Whole rise and report.

CARRIED UNANIMOUSLY
(Councillors Jang and Louie absent for the vote)

ADOPT REPORT OF COMMITTEE OF THE WHOLE

MOVED by Councillor Deal
SECONDED by Councillor Stevenson

THAT the report of the Committee of the Whole be adopted.

CARRIED UNANIMOUSLY
(Councillors Jang and Louie absent for the vote)

BY-LAWS

MOVED by Councillor Chow
SECONDED by Councillor Woodsworth

THAT Council, except for those members excused as noted in the agenda, enact the by-laws listed on the agenda for this meeting as numbers 1 to 13 inclusive, and authorize the Mayor and City Clerk to sign and seal the enacted by-laws.

CARRIED UNANIMOUSLY
(Councillors Jang and Louie absent for the vote)

1. A By-law to amend Building By-law No. 9419 to increase fees (By-law No. 9949)
2. A By-law to amend Electrical By-law No. 5563 to increase fees (By-law No. 9950)
3. A By-law to amend Gas Fitting By-law No. 3507 to increase fees (By-law No. 9951)
4. A By-law to amend Miscellaneous Fees By-law No. 5664 regarding fee increases (By-law No. 9952)
5. A By-law to amend Secondary Suite Inspection Fee By-law No. 6553 to increase fees (By-law No. 9953)
6. A By-law to amend Sign By-law No. 6510 to increase fees (By-law No. 9954)
7. A By-law to amend Subdivision By-law No. 5208 to increase fees (By-law No. 9955)
8. A By-law to amend Zoning and Development Fee By-law No. 5585 to increase fees (By-law No. 9956)
9. A By-law to amend Railway Anti-Whistling By-law No. 4893 regarding miscellaneous amendments (By-law No. 9957)
10. A By-law to provide for the protection of trees (By-law No. 9958)
11. A By-law to exempt from taxation certain lands and improvements pursuant to section 396 of the Vancouver Charter (By-law No. 9959)
12. A By-law to amend Area Specific Development Cost Levy By-law No. 9418 regarding a housekeeping matter (By-law No. 9960)
13. A By-law to enact a Housing Agreement for 2329 West 1st Avenue (By-law No. 9961)

MOTIONS

A. Administrative Motions

None.

B. Motions on Notice

1. Request for Leave of Absence - Councillor Cadman

MOVED by Councillor Woodsworth

SECONDED by Councillor Chow

THAT Councillor Cadman be granted Leave of Absence for Civic Business from the proposed additional Public Hearing back-up scheduled for December 10, 2009, and the Special Council Meetings scheduled for December 15 and 18, 2009, in order to attend meetings of ICLEI.

CARRIED UNANIMOUSLY

(Councillors Jang and Louie absent for the vote)

* * * * *

VARY AGENDA

Council agreed to vary the order of the agenda in order to deal with one item of New Business, which was a Leave of Absence for Councillor Stevenson. The item is shown at the end of the minutes, consistent with the order of the Agenda, for ease of reference.

* * * * *

2. Binding Arbitration to End HandyDart Dispute

The following motion contains an amendment to the original Motion on Notice which was accepted by Council.

MOVED by Councillor Meggs

SECONDED by Councillor Cadman

WHEREAS the labour dispute between striking members of the Amalgamated Transit Union Local 1724 and MV Transportation is now more than four weeks old; and

WHEREAS this dispute has resulted in the loss of HandyDart service to approximately 4,500 people with disabilities in the City of Vancouver except in cases of acute medical need; and

WHEREAS the issue at the core of this dispute is a proposal that would roll back long-standing pension provisions for these HandyDart drivers, most of whom have many years of service to people with disabilities;

THEREFORE BE IT RESOLVED

THAT Vancouver City Council, through the Mayor, urge Translink, MV Transportation, and the Amalgamated Transit Union Local 1724 to resolve this dispute through binding arbitration as soon as possible.

CARRIED

(Councillor Anton opposed)

(Councillors Jang and Louie absent for the vote)

3. Canadian Leadership at Conference of the Parties (COP) 15

The following motion contains amendments to the original Motion on Notice which were accepted by Council.

MOVED by Councillor Reimer

SECONDED by Councillor Cadman

WHEREAS:

1. Climate change is one of the most serious environmental, economic and social justice threats we face today on the planet;
2. The impacts of climate change as well as the responsibility for mitigation will fall primarily on municipalities;
3. World leaders are meeting on December 7th, 2009 in Copenhagen, Denmark to negotiate terms and conditions of a global climate agreement for the period after 2012 (i.e., after the Kyoto Protocol);
4. Scientists and environmental groups across Canada have endorsed the Kyoto Plus principles as a minimum standard for reducing climate emissions;
5. Visible expressions of public support are essential to enable our political leaders to take bold action and reach agreement in Copenhagen; and
6. The City of Vancouver has endorsed the Greenest City Action Team "Quick Start Recommendation" to be a strong national voice on taking action to stop climate change.

THEREFORE BE IT RESOLVED

1. THAT the City of Vancouver send a strong message to the Government of Canada of the importance to the citizens and businesses of the City of Vancouver of a world-wide climate agreement. Specifically at a minimum Canada:
 - Support cutting national greenhouse gas emissions by at least 30 per cent, relative to the 1990 level, by 2020 and make these targets legally binding; and
 - Legislate a credible plan to meet our domestic 2020 target including a just price on greenhouse gas pollution; world-leading regulations and effective investments to cut greenhouse gas pollution from vehicles, buildings and other sectors; strong measures in support of energy conservation and renewable energy, and urgent measures to minimize climate change impacts on people and ecosystems here and abroad.
2. THAT Vancouver City Council encourage municipalities across Canada to join the City of Vancouver in requesting the Federal Government to make every effort to reach an international agreement on climate change that is socially just, gender equitable, and scientifically defensible;
3. THAT Vancouver City Council urge the Federation of Canadian Municipalities to rally the support of its membership and send a strong message to the Federal Government of Canada of the importance to the citizens and businesses of a world-wide climate agreement.

CARRIED UNANIMOUSLY

(Councillors Jang, Louie, and Stevenson absent for the vote)

4. Assistance to Shelter Act

The Mayor advised that requests to speak had been received on the following motion. Council agreed to refer the motion to the Standing Committee on Planning and Environment meeting on Thursday, December 3, 2009, in order to hear from the speakers.

MOVER: Councillor Woodsworth

WHEREAS:

1. The Provincial government has introduced the Assistance to Shelter Act for debate and discussion and has invited commentary on its impact from stakeholders;
2. The City of Vancouver is a stakeholder along with local service providers, police and other levels of government in ensuring the health and safety of all of our residents, including our homeless population;

3. The police already have the legal right to apprehend citizens in mental distress under Section 28(1) of the Mental Health Act of Canada and to take them to a health care provider, or to call an ambulance if the health and safety of the individual is truly in jeopardy;
4. The existing shelters are already full so the police would have nowhere to take these people;
5. People do not want to go to shelters for fear of losing their belongings; low-barrier shelters (which allow pets) are nearly always full;
6. Many homeless people have said they choose the street because they "can't handle" lots of people. They know their own stress threshold limitations and don't want to end up causing a scene. There are concerns about the safety of both shelter-users and trained staff, if people, who could react violently, are brought to them. This potential disaster increases exponentially if those people are brought to over-crowded, substandard conditions run by volunteers;
7. Many women feel unsafe in shelters; and
8. Homeless people need homes not shelters.

THEREFORE BE IT RESOLVED

THAT Vancouver City Council send a letter to the Minister of Housing and to the Vancouver Police Board expressing the following concerns over this proposed legislation:

1. Recognizing that all Canadians have the right to make fundamental decisions about their health, we are concerned that this legislation may violate the constitutional rights of homeless citizens who may not wish to comply with police efforts to bring them to shelters against their will;
2. Recognizing that emergency shelters don't have the staff or expertise to address homeless individuals who may not wish to be in shelter, we have concerns that the staff and volunteers working in shelters might be endangered by this legislation;
3. Recognizing that homeless individuals who don't want to be brought to shelter against their will may seek to avoid being forced to do so we have concerns that this legislation might result in our homeless population hiding from police and thus further endangering themselves in an extreme weather event;
4. Be it further resolved that the letter re-iterate our commitment to working cooperatively with the provincial and federal governments to address the high rate of homelessness in Greater Vancouver and throughout Canada, with a focus on providing homes to those in need.

referred

NEW BUSINESS

1. Request for Leave of Absence - Councillor Stevenson

MOVED by Councillor Deal
SECONDED by Councillor Cadman

THAT Councillor Stevenson be granted Leave of Absence for personal reasons from the Standing Committee on City Services and Budgets meeting to be held on December 3, 2009.

CARRIED UNANIMOUSLY
(Councillors Jang and Louie absent for the vote)

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Due to time constraints, Council agreed to postpone any remaining New Business, or Enquiry and Other Matter items to the Regular Council meeting immediately following the Standing Committee on City Services and Budgets meeting on Thursday, December 3, 2009.

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The Council adjourned at 6:45 pm

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